



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Division (1145)  
CEPOA-RD  
Post Office Box 6898  
Elmendorf AFB, Alaska 99506-0898

|                            |                        |
|----------------------------|------------------------|
| <b>PUBLIC NOTICE DATE:</b> | <b>28 March 2007</b>   |
| <b>EXPIRATION DATE:</b>    | <b>27 April 2007</b>   |
| <b>REFERENCE NUMBER:</b>   | <b>POA-1991-398-Q</b>  |
| <b>WATERWAY:</b>           | <b>Noyes Slough 25</b> |

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

APPLICANT: H & H Contractors, Inc., Douglas W. Workes; Post Office Box 60610, Fairbanks, AK 99706

LOCATION: The proposed project is located within section 32, T. 1 N., R. 1 W., Fairbanks Meridian; Latitude 64.8658° N., Longitude 147.7832° W.; in Fairbanks, Alaska.

PURPOSE: The discharge of dredged material into wetlands in association with gravel and peat recovery utilized in off-site construction activities.

PROPOSED WORK: The proposed work would include discharging 100,000 cubic yards per year of dredged material into wetlands in association with the recovery of gravel and peat material used in off site construction activities. Upon completion of sand and gravel operations, all fill material would be removed from the site except that remaining in berms constructed from overburden. The berms would contain approximately 24,000 cubic yards of material and cover approximately three acres of wetlands. In addition, 3,065 cubic yards of fine-grained material would be discharged into the 1.9 acres of littoral zone of the pond that would be created, and on the created islands. The total discharge would be 27,065 cubic yards of material into 4.9 acres of wetlands.

ADDITIONAL INFORMATION: The original permit was authorized on April 30, 1993, and has had four three-year time extension modifications. A 30-day public interest review is being done since ten years has passed since the original permit was authorized.

MITIGATION: The following mitigation measures were issued as Special Conditions on the original permit:

1. The placement of overburden (topsoil and silt material), in its final position, will allow no greater than 3 to 1 slopes on all sides.

2. All new overburden placements shall be stabilized and planted with grasses and other herbaceous plants to ensure effective erosion control.
3. A littoral zone of not less than ten feet wide and not greater than three feet deep at normal water level shall be constructed on the eastern, western, and southern boundaries, as the final pit shoreline is established. A littoral zone of not less than fifty feet wide and not greater than three feet deep at normal water level shall be constructed adjacent to an irregular shaped northern shoreline containing small coves and protrusions to provide shallow feeding and resting areas for water fowl and shore birds. A minimum of six irregularly shaped islands, totaling 5,000 square feet, shall be constructed to provide protected waterfowl and shore bird nesting sites. These islands shall have a diameter of not less than twenty feet, be stabilized at two feet minimum height above normal water level and located not less than thirty feet from the nearest shoreline. Islands will be constructed by not removing insitu soils during the gravel and peat extraction process. The littoral zones shall be constructed as expansion of the gravel pit occurs. The islands and littoral zone shall be capped with fines (silty material). Native perennial grasses and shrubs shall be planted on the islands to protect them from erosion and provide cover for nesting birds.
4. A two-hundred foot wide buffer zone of undeveloped wetlands shall remain along the northern side of the gravel pit. Once the dredging, shoreline, and littoral mitigation work has been completed, no further land clearing or fill will be authorized.
5. Drainage for the entire site shall be maintained such that surface run-off from berms/fill shall flow into the dredged pond and that natural drainage shall not be blocked.

These mitigation measures will continue as Special Conditions in the re-authorized permit.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation, or if they state that the certification previously issued is still applicable.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification, or if they state that the certification previously issued is still applicable.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish

and Wildlife Service and the National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Preliminarily, the described activity will not affect EFH in the project area. This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Leah Durocher at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at leah.t.durocher@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authority:

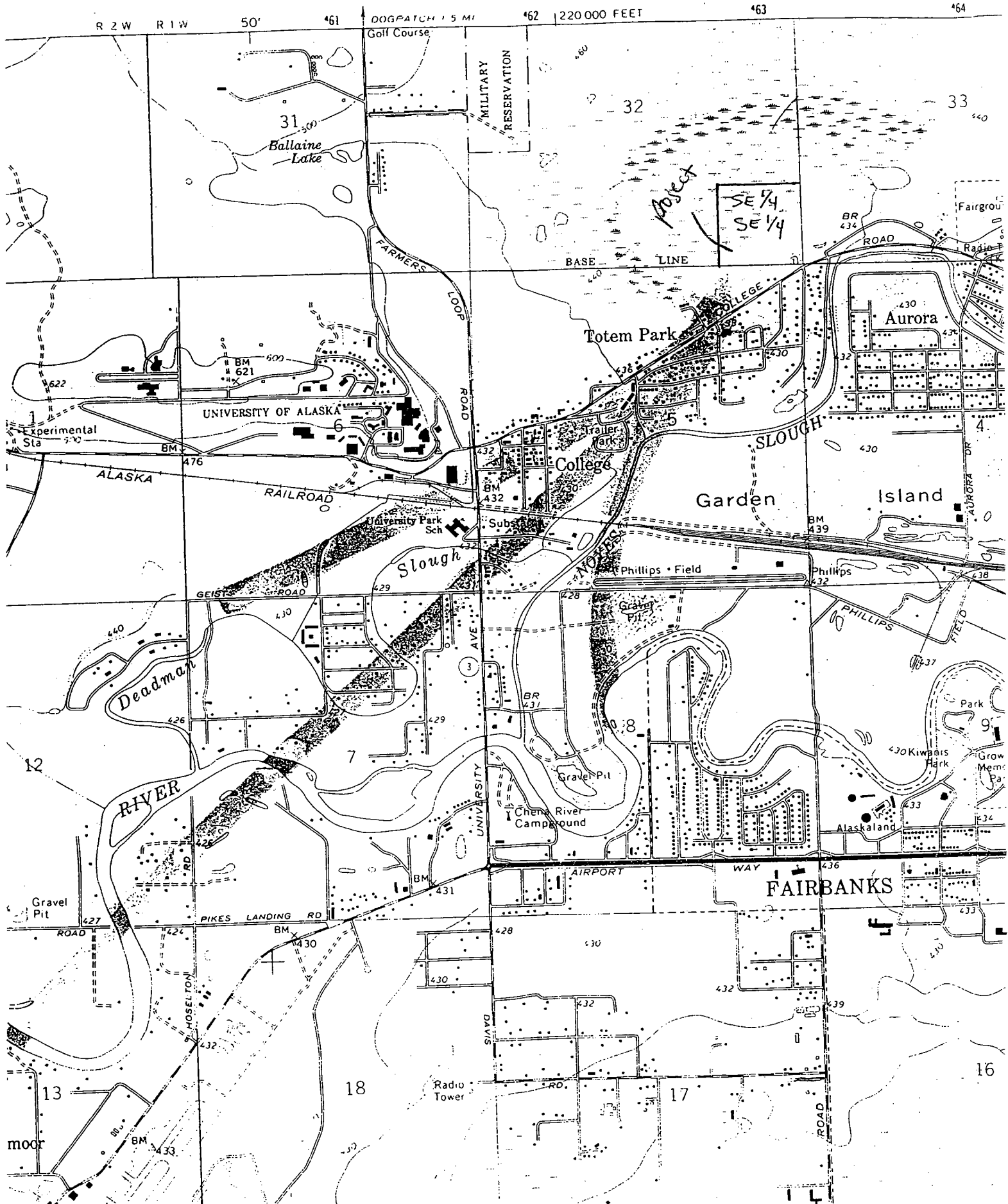
(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

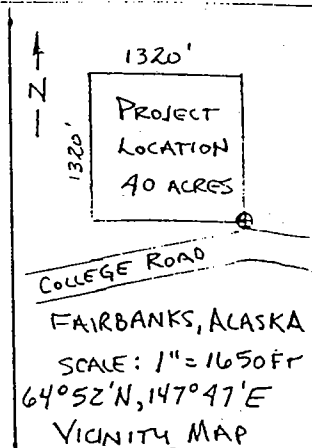
Project drawings (dated December 1992), Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander  
U.S. Army, Corps of Engineers

Enclosures

FAIRBANKS D-2 SW QUADRANT  
ALASKA—NORTH STAR BOROUGH  
1:24 000 SERIES (TOPOGRAPHIC)

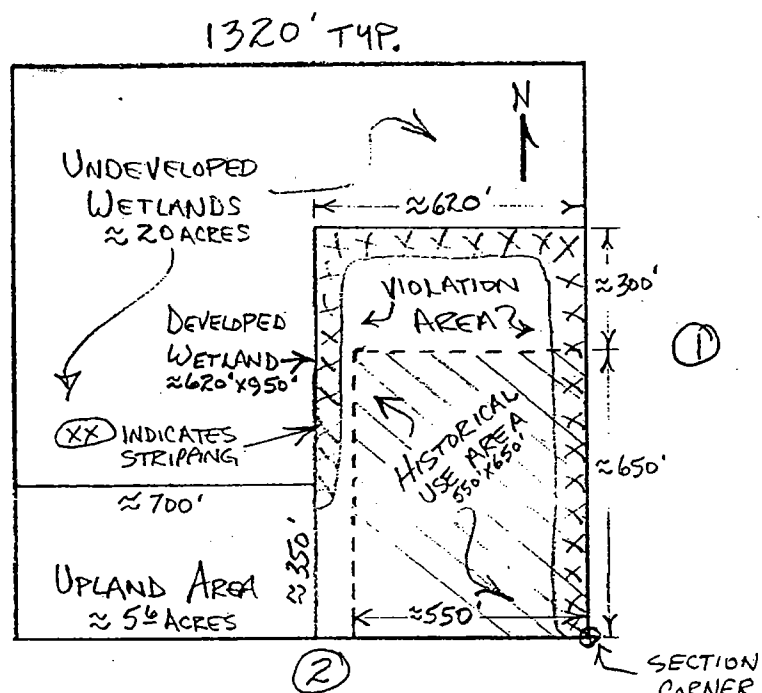




# ADJACENT PROPERTY OWNERS

- ① UNIVERSITY OF ALASKA
- ② ALASKA NORTHWEST PROPERTIES, INC.

①



PLAN VIEW:

EXISTING CONDITION OF PROPERTY (40 AC)

NOTES: THIS PROPERTY IS ZONED GENERAL COMMERCIAL.

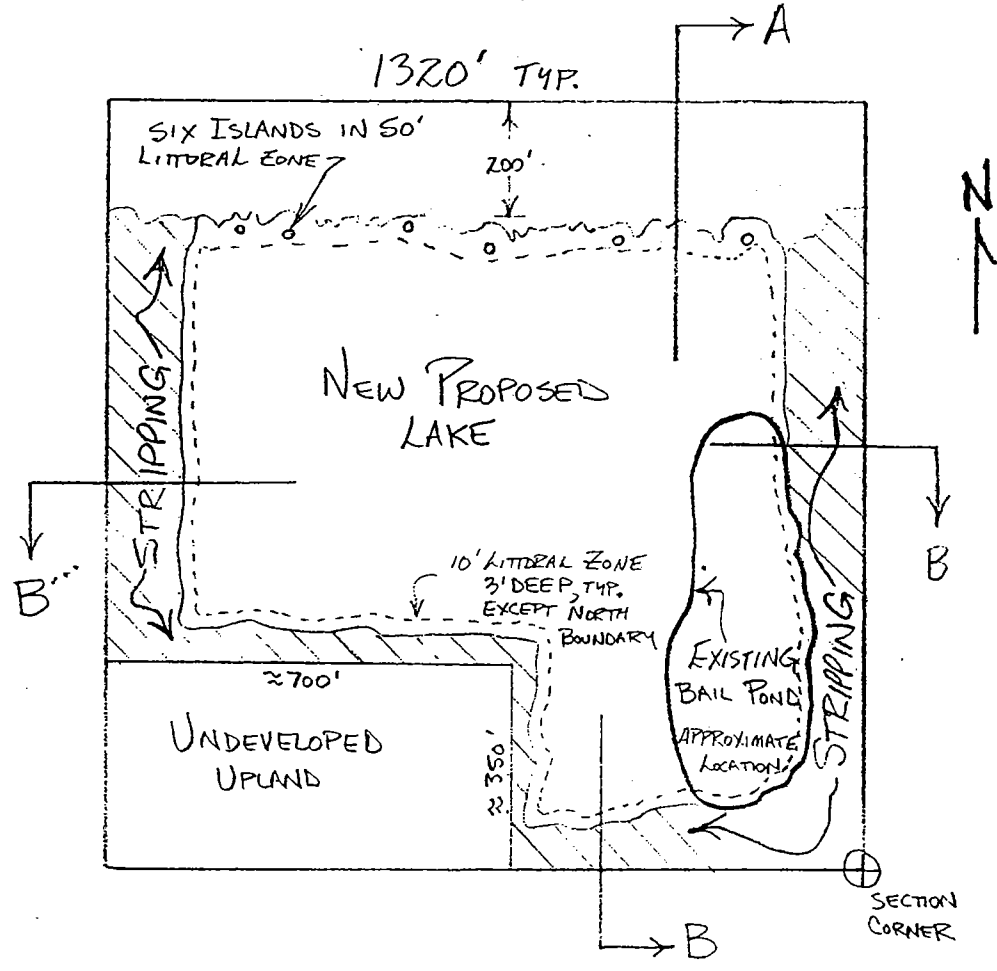
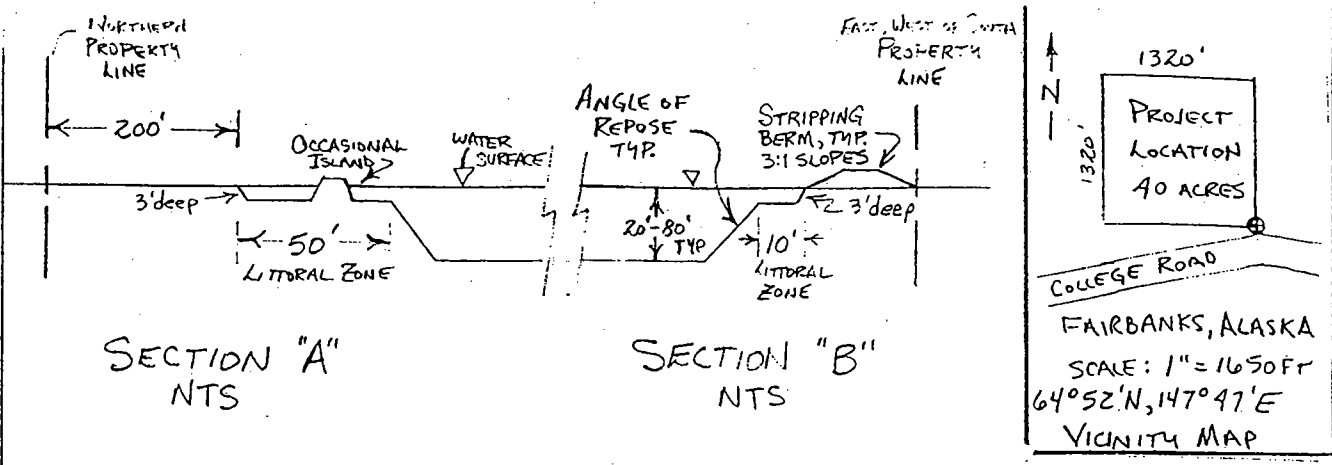
EXCEPT UPLAND AREA SHOWN IN SW. CORNER, ENTIRE PROPERTY IS LOCATED IN A WETLAND. ADJACENT WETLANDS EXTEND NORTH, EAST AND WEST. PROPERTY IS ABOUT 100 YDS. NORTH OF NOYES SLOUGH AND OVER ONE MILE NORTH OF THE CHENA RIVER.

PROPOSED PROJECT IS TO EXCAVATE AND STOCKPILE A MAXIMUM OF 100,000 CY/YEAR.

PROPOSED GRAVEL EXTRACTION PIT WITH FILL AREAS  
SE 1/4, SE 1/4, SEC 32, T1N, R1W  
FAIRBANKS MERIDIAN  
FAIRBANKS NORTH STAR BOROUGH, ALASKA

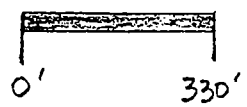
APPLICANT: H & H CONTRACTORS  
SHEET 1 of 2 10 DEC 92

42-381 50 SHEETS SQUARE  
42-382 100 SHEETS SQUARE  
42-383 200 SHEETS SQUARE  
NATIONAL



PLAN OF COMPLETED PROPOSED PROJECT

SCALE: 1" = 330 FT.



PROPOSED GRAVEL EXTRACTION  
 PIT WITH FILL AREAS  
 SE 1/4, SE 1/4, SEC 32, T1N, R1W  
 FAIRBANKS MUNICIPAL  
 FAIRBANKS NORTH STAR  
 BOROUGH, ALASKA  
 APPLICANT: H & H CONTRACTORS  
 SHEET 2 of 2 10 DEC 92

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES OFFICE OF PROJECT MANAGEMENT AND PERMITTING

OFFICE OF PROJECT MANAGEMENT AND PERMITTING  
550 WEST 7<sup>TH</sup> AVENUE, SUITE 705  
ANCHORAGE, ALASKA 99501-3559  
PHONE: (907) 269-7470/FAX: (907) 269-3981

### NOTICE OF APPLICATION FOR CERTIFICATION OF CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. POA-1991-398-Q, Noyes Slough 25, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting (OPMP). For information about this consistency review, contact OPMP at the address or phone number above, or visit the ACMP web site at <http://www.alaskacoast.state.ak.us//Projects/projects.html>.



# STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER  
401 Certification Program  
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
WQM/401 CERTIFICATION  
555 CORDOVA STREET  
ANCHORAGE, ALASKA 99501-2617  
PHONE: (907) 269-7564/FAX: (907) 334-2415

## NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-1991-398-Q**, **Noyes Slough 25**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.